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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 MAIER GUTIERREZ AYON PLLC, a Nevada
13 professional limited liability company,

14 Plaintiff,

15 vs.

16 MARIANA SIERRA, an individual; SIERRA
17 MED SERVICES, a Nevada entity; TED
THORP, M.D., an individual; WILLIAM
18 MUIR, M.D., an individual; ACCELERATED
CHIROPRACTIC, a Nevada entity;
19 CULINARY HEALTH FUND, a Nevada
entity; GARY J. LA TOURETTE, M.D., an
20 individual; RED ROCK DIAGNOSTICS, LLC,
a Nevada limited liability company; DESERT
21 RADIOLOGISTS, a Nevada entity;
SONORAN MEDICAL IMAGING, a Nevada
22 entity; INSIGHT IMAGING, a Nevada entity;
MATT SMTH PHYSICAL THERAPY, a
23 Nevada entity; LAS VEGAS RADIOLOGY, a
Nevada entity; LABCORP, a Nevada entity;
24 NEVADA COMPREHENSIVE PAIN
CENTER, a Nevada entity; DESERT
25 INSTITUTE OF SPINE CARE, a Nevada
entity; EMERGENCY PHYSICIANS
26 MEDICAL GROUP, a Nevada entity; LAS
VEGAS FIRE AND RESCUE, a Nevada entity;
27 CITY OF LAS VEGAS EMS, a Nevada entity;
UNIVERSITY MEDICAL CENTER, a Nevada
28 entity; GLEN GUILLERMO, M.D., an
individual; PAUL BANDT, M.D., an

Case No.: 2:13-cv-01139-MMD-PAL

**FINAL JUDGMENT AND DISMISSAL
WITH PREJUDICE**

individual; WILLIAM BILOTTA, M.D.; an individual; DOES I through X; and ROE CORPORATIONS I through X, inclusive, Defendants.

IT IS HEREBY STIPULATED AND AGREED that final judgment and dismissal with prejudice be entered with findings of fact and conclusions of law as follows:

1. The above-entitled interpleader action was filed in the Eighth Judicial District Court, Clark County, Nevada, on June 3, 2013.

2. Defendant MARIANA SIERRA was served with the summons and complaint on September 18, 2013, and an affidavit of service was filed on October 8, 2013. Defendant MARIANA SIERRA failed to plead or otherwise defend as required by law, and the Clerk of the Court entered default against defendant MARIANA SIERRA on October 16, 2013.

3. Defendant SIERRA MED SERVICES was served with the summons and complaint on July 30, 2013, and an affidavit of service was filed on September 4, 2013. Defendant SIERRA MED SERVICES filed an answer to the complaint in interpleader on July 16, 2013.

4. Defendant TED THORP, M.D., was served with the summons and complaint on July 30, 2013, and an affidavit of service was filed on September 4, 2013. Defendant TED THORP, M.D., failed to plead or otherwise defend as required by law, and the Clerk of the Court entered default against defendant TED THORP, M.D., on September 6, 2013.

5. Defendant WILLIAM MUIR, M.D., was served with the summons and complaint on June 13, 2013, and an affidavit of service was filed on June 18, 2013. Defendant WILLIAM MUIR, M.D., filed an answer to the complaint in interpleader on July 26, 2013.

6. Defendant ACCELERATED CHIROPRACTIC was served with the summons and complaint on June 18, 2013, and an affidavit of service was filed on June 25, 2013. Defendant ACCELERATED CHIROPRACTIC failed to plead or otherwise defend as required by law, and the Clerk of the Court entered default against defendant ACCELERATED CHIROPRACTIC on July 17, 2013.

7. Defendant UNITE HERE HEALTH (CULINARY HEALTH FUND) was served

1 with the summons and complaint on June 7, 2013, and an affidavit of service was filed on June 12,
2 2013. Defendant UNITE HERE HEALTH filed an answer to the complaint in interpleader, as well
3 as a counterclaim and crossclaim, on June 28, 2013.

4 8. Defendant GARY J. LA TOURETTE, M.D., accepted service of the summons and
5 complaint on July 22, 2013, and the acceptance of service was filed on August 2, 2013. Defendant
6 GARY J. LA TOURETTE, M.D., filed an answer to the complaint in interpleader on July 26,
7 2013.

8 9. Defendant RED ROCK DIAGNOSTICS, LLC, was served with the summons and
9 complaint on June 7, 2013, and an affidavit of service was filed on June 11, 2013. Defendant RED
10 ROCK DIAGNOSTICS, LLC, failed to plead or otherwise defend as required by law, and the
11 Clerk of the Court entered default against defendant RED ROCK DIAGNOSTICS, LLC, on July
12 17, 2013.

13 10. Defendant DESERT RADIOLOGISTS, LLC, was served with the summons and
14 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
15 DESERT RADIOLOGISTS, LLC, failed to plead or otherwise defend as required by law, and the
16 Clerk of the Court entered default against defendant DESERT RADIOLOGISTS, LLC, on July 17,
17 2013.

18 11. Defendant SONORAN MEDICAL IMAGING was served with the summons and
19 complaint on June 7, 2013, and an affidavit of service was filed on June 11, 2013. Defendant
20 SONORAN MEDICAL IMAGING filed a disclaimer in interest on June 25, 2013, disclaiming any
21 interest in the interplead funds, waiving any and all notices and process required by law in the
22 premises, and consenting that plaintiff be discharged from any and all liability to defendants and
23 that any amounts owed to defendant SONORAN MEDICAL IMAGING with regard to this matter
24 be discharged in full.

25 12. Defendant INSIGHT IMAGING was served with the summons and complaint on
26 September 30, 2013, and an affidavit of service was filed on October 7, 2013. Defendant
27 INSIGHT IMAGING failed to plead or otherwise defend as required by law, and the Clerk of the
28 Court entered default against defendant INSIGHT IMAGING on October 23, 2013.

1 13. Defendant MATT SMITH PHYSICAL THERAPY was served with the summons
2 and complaint on July 24, 2013, and an affidavit of service was filed on July 31, 2013. Defendant
3 MATT SMITH PHYSICAL THERAPY failed to plead or otherwise defend as required by law,
4 and the Clerk of the Court entered default against defendant MATT SMITH PHYSICAL
5 THERAPY on September 6, 2013.

6 14. Defendant LAS VEGAS RADIOLOGY was served with the summons and
7 complaint on June 10, 2013, and an affidavit of service was filed on June 11, 2013. Defendant
8 LAS VEGAS RADIOLOGY failed to plead or otherwise defend as required by law, and the Clerk
9 of the Court entered default against defendant LAS VEGAS RADIOLOGY on July 17, 2013.

10 15. Defendant LABCORP was served with the summons and complaint on June 14,
11 2013, and an affidavit of service was filed on June 18, 2013. Defendant LABCORP failed to plead
12 or otherwise defend as required by law, and the Clerk of the Court entered default against
13 defendant LABCORP on July 17, 2013.

14 16. Defendant NEVADA COMPREHENSIVE PAIN CENTER was served with the
15 summons and complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013.
16 Defendant NEVADA COMPREHENSIVE PAIN CENTER failed to plead or otherwise defend as
17 required by law, and the Clerk of the Court entered default against defendant NEVADA
18 COMPREHENSIVE PAIN CENTER on July 17, 2013.

19 17. Defendant DESERT INSTITUTE OF SPINE CARE was served with the summons
20 and complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
21 DESERT INSTITUTE OF SPINE CARE failed to plead or otherwise defend as required by law,
22 and the Clerk of the Court entered default against defendant DESERT INSTITUTE OF SPINE
23 CARE on July 17, 2013.

24 18. Defendant EMERGENCY PHYSICIANS MEDICAL GROUP was served with the
25 summons and complaint on June 7, 2013, and an affidavit of service was filed on June 16, 2013.
26 Defendant EMERGENCY PHYSICIANS MEDICAL GROUP failed to plead or otherwise defend
27 as required by law, and the Clerk of the Court entered default against defendant EMERGENCY
28 PHYSICIANS MEDICAL GROUP on July 17, 2013.

1 19. Defendant LAS VEGAS FIRE AND RESCUE was served with the summons and
2 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
3 LAS VEGAS FIRE AND RESCUE filed a disclaimer in interest on July 2, 2013, disclaiming any
4 interest in the interplead funds, thereby consenting that plaintiff be discharged from any and all
5 liability to defendants and that any amounts owed to defendant LAS VEGAS FIRE AND
6 RESCUE with regard to this matter be discharged in full.

7 20. Defendant CITY OF LAS VEGAS EMS was served with the summons and
8 complaint on June 18, 2013, and an affidavit of service was filed on June 25, 2013. Defendant
9 CITY OF LAS VEGAS EMS filed a disclaimer in interest on July 2, 2013, disclaiming any
10 interest in the interplead funds, thereby consenting that plaintiff be discharged from any and all
11 liability to defendants and that any amounts owed to defendant CITY OF LAS VEGAS EMS with
12 regard to this matter be discharged in full.

13 21. Defendant UNIVERSITY MEDICAL CENTER was served with the summons and
14 complaint on June 13, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
15 UNIVERSITY MEDICAL CENTER filed a disclaimer in interest on October 18, 2013,
16 disclaiming any interest in the interplead funds and waiving any and all notices and process
17 required by law in the premises, thereby consenting that plaintiff be discharged from any and all
18 liability to defendants and that any amounts owed to defendant UNIVERSITY MEDICAL
19 CENTER with regard to this matter be discharged in full.

20 22. Defendant GLEN GUILLERMO, M.D., was served with the summons and
21 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
22 GLEN GUILLERMO, M.D., failed to plead or otherwise defend as required by law, and the Clerk
23 of the Court entered default against defendant GLEN GUILLERMO, M.D., on July 17, 2013.

24 23. Defendant PAUL BANDT, M.D., was served with the summons and complaint on
25 June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant PAUL BANDT,
26 M.D., failed to plead or otherwise defend as required by law, and the Clerk of the Court entered
27 default against defendant PAUL BANDT, M.D., on July 17, 2013.

28 24. Defendant WILLIAM BILOTTA, M.D., was served with the summons and

1 complaint on June 12, 2013, and an affidavit of service was filed on June 18, 2013. Defendant
 2 WILLIAM BILOTTA, M.D., failed to plead or otherwise defend as required by law, and the Clerk
 3 of the Court entered default against defendant WILLIAM BILOTTA, M.D., on July 17, 2013.

4 25. Defendant MARIANA SIERRA was formerly the plaintiff in a lawsuit litigated on
 5 his behalf in the Eighth Judicial District Court, Clark County, Nevada, which was resolved by way
 6 of a non-confidential settlement in the amount of \$35,000.00. This amount was a negotiated
 7 settlement amount for defendant MARIANA SIERRA's injuries, and plaintiff MAIER
 8 GUTIERREZ AYON PLLC was the attorney of record.

9 26. By retainer agreement, defendant MARIANA SIERRA agreed to pay to plaintiff
 10 MAIER GUTIERREZ AYON PLLC a contingency fee from the settlement monies in the amount
 11 of \$14,000.00 as and for attorney fees, plus costs advanced by plaintiff in the underlying lawsuit in
 12 the amount of \$5,335.80. Plaintiff MAIER GUTIERREZ AYON PLLC advanced additional costs
 13 in the amount of \$2,278.71 related to the subject interpleader action, for total costs advanced by
 14 plaintiff in the amount of \$7,614.51. Plaintiff MAIER GUTIERREZ AYON PLLC waives its
 15 claim for additional attorney fees related to the subject interpleader action.

16 27. Accordingly, \$14,000.00 shall be distributed to plaintiff MAIER GUTIERREZ
 17 AYON PLLC as and for attorney fees, and \$7,614.51 shall be distributed to plaintiff MAIER
 18 GUTIERREZ AYON PLLC as and for costs advanced by plaintiff in the underlying lawsuit and
 19 the subject interpleader action.

20 28. The remaining \$13,385.49 shall be distributed among defendants, and each of them,
 21 as follows:

- | | | | |
|----|----|--------------------------------|------------|
| 22 | a. | SIERRA MED SERVICES..... | \$7,468.53 |
| 23 | b. | TED THORP, M.D..... | \$0 |
| 24 | c. | WILLIAM MUIR, M.D..... | \$947.11 |
| 25 | d. | ACCELERATED CHIROPRACTIC..... | \$0 |
| 26 | e. | CULINARY HEALTH FUND..... | \$2,455.55 |
| 27 | f. | GARY J. LA TOURETTE, M.D..... | \$1,014.30 |
| 28 | g. | RED ROCK DIAGNOSTICS, LLC..... | \$0 |

1	h.	DESERT RADIOLOGISTS.....	\$0
2	i.	SONORAN MEDICAL IMAGING.....	\$0
3	j.	INSIGHT IMAGING.....	\$0
4	k.	MATT SMTH PHYSICAL THERAPY.....	\$0
5	l.	LAS VEGAS RADIOLOGY.....	\$0
6	m.	LABCORP.....	\$0
7	n.	NEVADA COMPREHENSIVE PAIN CENTER.....	\$0
8	o.	DESERT INSTITUTE OF SPINE CARE.....	\$0
9	p.	EMERGENCY PHYSICIANS MEDICAL GROUP.....	\$0
10	q.	LAS VEGAS FIRE AND RESCUE.....	\$0
11	r.	CITY OF LAS VEGAS EMS.....	\$0
12	s.	UNIVERSITY MEDICAL CENTER.....	\$0
13	t.	GLEN GUILLERMO, M.D.....	\$0
14	u.	PAUL BANDT, M.D.....	\$0
15	v.	WILLIAM BILOTTA, M.D.....	\$0
16	w.	MARIANA SIERRA.....	\$1,500.00

17 29. Plaintiff MAIER GUTIERREZ AYON PLLC is hereby discharged from any and all
 18 liability to defendants, and each of them, including defaulted defendants, with respect to the
 19 interpleader funds.

20 30. Defendants, and each of them, including defaulted defendants, are restrained from
 21 instituting or further prosecuting any other proceeding against plaintiff MAIER GUTIERREZ
 22 AYON PLLC and/or defendant MARIANA SIERRA in any Court affecting the rights and
 23 obligations between the parties to this action.

24 31. All debts owed to defendants, and each of them, including defaulted defendants, are
 25 discharged in full pursuant to the above distribution.

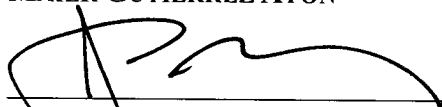
26 32. The above-entitled action, including all claims, counterclaims and cross-claims
 27 asserted therein, is dismissed with prejudice, with each party to bear its own attorney fees and
 28 costs.

**Case No.: 2:13-cv-01139-MMD-PAL
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE**

Respectfully submitted,

DATED this 15 day of November, 2013.

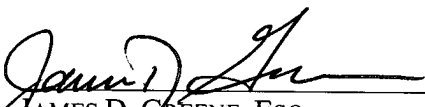
MAIER GUTIERREZ AYON



JASON R. MAIER, ESQ.
Nevada Bar No. 8557
2500 West Sahara Avenue, Suite 106
Las Vegas, Nevada 89102
Attorneys for Plaintiff

DATED this ____ day of November, 2013.

GREENE INFUSO, LLP



JAMES D. GREENE, ESQ.
Nevada Bar No. 2647
3030 S. Jones Blvd., Suite 101
Las Vegas, Nevada 89146
*Attorneys for Defendant Sierra Medical
Services, LLC*

DATED this ____ day of November, 2013.

CHRISTENSEN JAMES & MARTIN

DARYL E. MARTIN, ESQ.
Nevada Bar No. 6735
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Defendant Unite Here Health

DATED this ____ day of November, 2013.

RICHARD HARRIS LAW FIRM

RICHARD A. HARRIS, ESQ.
Nevada Bar No. 0505
801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Defendant William S. Muir, M.D.

DATED this ____ day of November, 2013.

CLIFF W. MARCEK, P.C.

CLIFF W. MARCEK, ESQ.
Nevada Bar No. 5061
700 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant Gary LaTourette, M.D.

IT IS SO ORDERED.

DATED this ____ day of _____, 2013.

UNITED STATES DISTRICT JUDGE

M-G-A MAIER GUTIERREZ AYON PLLC
ATTORNEYS AT LAW

**Case No.: 2:13-cv-01139-MMD-PAL
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE**

Respectfully submitted,

DATED this ____ day of November, 2013.

MAIER GUTIERREZ AYON

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
2500 West Sahara Avenue, Suite 106
Las Vegas, Nevada 89102
Attorneys for Plaintiff

DATED this ____ day of November, 2013.

GREENE INFUSO, LLP

JAMES D. GREENE, ESQ.
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Las Vegas, Nevada 89146
*Attorneys for Defendant Sierra Medical
Services, LLC*

DATED this ____ day of November, 2013.

CHRISTENSEN JAMES & MARTIN

DARYL E. MARTIN, ESQ.
Nevada Bar No. 6735
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Defendant Unite Here Health

DATED this ____ day of November, 2013.

RICHARD HARRIS LAW FIRM

RICHARD A. HARRIS, ESQ.
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801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Defendant William S. Muir, M.D.

DATED this 12 day of November, 2013.

CLIFF W. MARCEK, P.G.

CLIFF W. MARCEK, ESQ.
Nevada Bar No. 5061
700 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant Gary LaTourette, M.D.

IT IS SO ORDERED.

DATED this ____ day of _____, 2013.

UNITED STATES DISTRICT JUDGE

Case No.: 2:13-cv-01139-MMD-PAL
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE

Respectfully submitted,

DATED this ____ day of November, 2013.

MAIER GUTIERREZ AYON

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
2500 West Sahara Avenue, Suite 106
Las Vegas, Nevada 89102
Attorneys for Plaintiff

DATED this ____ day of November, 2013.

GREENE INFUSO, LLP

JAMES D. GREENE, ESQ.
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Las Vegas, Nevada 89146
Attorneys for Defendant Sierra Medical Services, LLC

DATED this ____ day of November, 2013.

CHRISTENSEN JAMES & MARTIN

DARYL E. MARTIN, ESQ.
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7440 W. Sahara Avenue
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Attorneys for Defendant Unite Here Health

DATED this ____ day of November, 2013.

RICHARD HARRIS LAW FIRM

RICHARD A. HARRIS, ESQ.
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801 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Defendant William S. Muir, M.D.

DATED this ____ day of November, 2013.

CLIFF W. MARCEK, P.C.

CLIFF W. MARCEK, ESQ.
Nevada Bar No. 5061
700 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant Gary LaTourette, M.D.

IT IS SO ORDERED.

DATED this 18th day of November, 2013.



UNITED STATES DISTRICT JUDGE

MAIER GUTIERREZ AYON PLLC
ATTORNEYS AT LAW


Case No.: 2:13-cv-01139-MMD-PAL
FINAL JUDGMENT AND DISMISSAL WITH PREJUDICE

Respectfully submitted,

DATED this ____ day of November, 2013.

MAIER GUTIERREZ AYON

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
2500 West Sahara Avenue, Suite 106
Las Vegas, Nevada 89102
Attorneys for Plaintiff

DATED this ____ day of November, 2013.

GREENE INFUSO, LLP

JAMES D. GREENE, ESQ.
Nevada Bar No. 2647
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Las Vegas, Nevada 89146
Attorneys for Defendant Sierra Medical Services, LLC

DATED this 6 day of November, 2013.

CHRISTENSEN JAMES & MARTIN

Daryl E. Martin
DARYL E. MARTIN, ESQ.
Nevada Bar No. 6735
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Attorneys for Defendant Unite Here Health

DATED this ____ day of November, 2013.

RICHARD HARRIS LAW FIRM

RICHARD A. HARRIS, ESQ.
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Las Vegas, Nevada 89101
Attorneys for Defendant William S. Muir, M.D.

DATED this ____ day of November, 2013.

CLIFF W. MARCEK, P.C.

CLIFF W. MARCEK, ESQ.
Nevada Bar No. 5061
700 S. Third Street
Las Vegas, Nevada 89101
Attorneys for Defendant Gary LaTourette, M.D.

IT IS SO ORDERED.

DATED this ____ day of _____, 2013.

UNITED STATES DISTRICT JUDGE